



January 24, 2024

The Court will hold an initial pretrial conference after ruling on Panini's motion to dismiss.

**Via ECF**

The Honorable Jennifer H. Rearden  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 1010  
New York, NY 10007-1312

SO ORDERED.

Jennifer H. Rearden, U.S.D.J.  
Date: January 29, 2024

**Re: Request to Schedule an Initial Case Management Conference**

- *Panini America, Inc. v. Fanatics, Inc. et al.*, Case No. 1:23-cv-09714-JHR (S.D.N.Y. 2023)
- *Fanatics Collectibles TopCo, Inc. v. Panini S.p.A.*, Case No. 1:23-cv-06895-JHR (S.D.N.Y. 2023)

Dear Judge Rearden,

We write on behalf of Panini America, Inc. and Panini S.p.A. (together, "Panini") to respectfully request that the Court schedule an Initial Case Management Conference to clarify the schedule in the above-captioned cases and enter case-management plans.

Case no. 1:23-cv-09714-JHR was originally filed in the Middle District of Florida on August 3, 2023. Before being transferred to this Court, the parties had met and conferred regarding a case management report and jointly submitted a case management report on October 17, 2023. *See* ECF 71. Defendants requested a February 2026 trial, while Panini requested a trial in November 2025. *See id.* at 3–4. On October 25, 2023, the Middle District of Florida entered a scheduling order setting trial for January 2026. *See* ECF 74.

On November 3, 2023, case no. 1:23-cv-09714-JHR was transferred from the Middle District of Florida to this Court. On November 15, 2023, case no. 1:23-cv-06895-JHR was reassigned to this Court.

This Court's individual rules state:

BOIES SCHILLER FLEXNER LLP



**Initial Case Management Conference.** The Court will generally schedule a Federal Rule of Civil Procedure 16 conference within two months of the filing of the Complaint. The Notice of Initial Pretrial Conference will be filed on ECF. The Notice will direct the parties to file on ECF, approximately one week prior to the conference, a joint proposed Case Management Plan and Scheduling Order (using Judge Rearden's fillable Civil Case Management Plan and Scheduling Order), as well as a joint letter. At that time, one courtesy copy of the pleadings should also be emailed to ReardenNYSDChambers@nysd.uscourts.gov.

To assist in moving both cases forward, Panini respectfully requests that the Court schedule a Rule 16 conference and direct the parties to prepare a joint proposed Case Management Plan and Scheduling Order for each matter.

We have conferred with counsel for Fanatics, who stated Fanatics' position is as follows: "Counsel for Fanatics prefers that any preliminary conference be scheduled for a date after Fanatics' pending motion to dismiss is decided, as the decision on the motion will likely inform the matters to be decided at the conference, and may even obviate the need for the conference. However, Fanatics, of course, respects the Court's rules and will be guided by and comply with the Court's directive. Counsel for Fanatics further notes that Fanatics' amended complaint is due to be filed this Friday, January 26."

We respectfully request that the Court proceed with scheduling a Rule 16 conference now to avoid delay in these proceedings.

Respectfully submitted,

/s/ David Boies  
David Boies

Cc: Counsel of Record